

Bishop Lamor Whitehead
Reg. No. 36692-510
FCI Fairton
PO Box 420
Fairton, NJ 05320

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

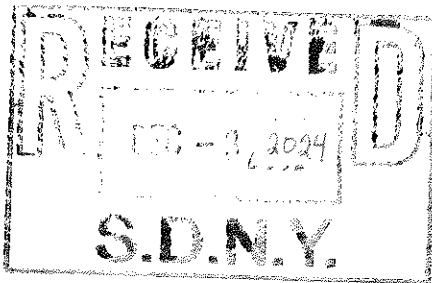
Respondent,
V.

CASE NO. 22-CR-692 (LGS)

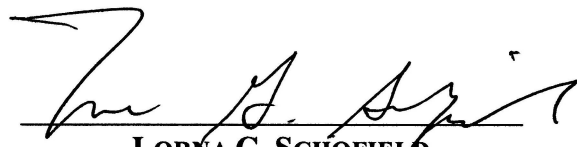
BISHOP LAMOR WHITEHEAD,
MOVANT.

MOTION TO AMEND PSR REPORT

Application **DENIED**. The motion to amend is denied as untimely because Defendant did not object to the PSR within fourteen days after Defendant received it under Rule 32(f) of Federal Rules of Criminal Procedure. The motion is also denied because Rule 32 "does not give a district court jurisdiction to correct inaccuracies in a [PSR] after a defendant has been sentenced." *United States v. Giaimo*, 880 F.2d 1561, 1563 (2d Cir. 1989); accord *United States v. Smalling*, 644 F. App'x 3, 4 (2d Cir. 2016) (summary order). The Clerk of the Court is respectfully directed to mail a copy of this Order to Defendant, and to terminate the motion at Dkt. 246.



Dated: January 14, 2025
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Come Now, Bishop Lamar Whitehead , Movant Pro se, and moves this Honorable court for the Southern District of New York In motion for PSR Report Amendment.

Argument

This court has the power to review and amend the PSR report if there are errors or inconsistencies within the report. This report was filed with the court on May 30,2024. (See Exhibit A PSR REPORT)

I am requesting this court to remove language on page 4 point 4 of this report. It reads : Count 3 Charges that from February 2022 through April 2022, in the Southern District of New York and elsewhere , Lamar Whitehead Used threats of force to attempt to obtain \$5,000 from a business located in the Bronx, New York and owned by Victim 2.

The language that I am requesting to be removed is "Used threats of Force. By using this language of "used Threats of force" the BOP has categorized Bishop Lamar Whitehead as a violent offender. I was not found guilty of any violent offenses , I was only found guilty of attempt extortion which was a non-violent offense. The language within point 4 establishes completed extortion according to BOP guidelines and is considered a Violent offense. These words have increased my security levels which violate my constitutional rights of Due Process.

ON PAGE 10 OF THE PSR REPORT POINT 40: "Whitehead Attempts to Extort Victim 2
The language that I am requesting to be removed is on page 11 of the PSR report Point 40: "Threatened Victim 2 with harm" "stating that he would Hurt Victim 2.

The language in point 41. page 11 "no Nigga, I will hurt you" "there's guns in my church" "like I don't Play, I don't,there's guns in church".

None of this has any merit within the PSR report, I was already found guilty by a jury now I am illegally being evaluated as a violent felon offender equivalent to murders, armed robbers and all other violent offenders and how they are punished by the BOP.

On page 11 point 42, I am requesting this court to remove "Victim 2 told Whitehead, you got in my face and I thought you were gonna crack me. I was convinced you were gonna crack me". "Whitehead responded by laughing . Victim -2 Continued and Stated : " you had that big red ring on", and " I'm like, this guy's gonna break my jaw, I'm gonna live in the hospital". "Whitehead did not dispute or challenge victim 2's description of the altercation." I am requesting this Honorable court to remove all of this language pertaining to the Attempted Extortion charge because it is violating the court order Motion in Limine ruled on February 16, 2024. Which states:

"Government's motion in limine No. 4 seeks to prevent the defendant from attacking the credibility of victim 2. The government's motion is granted, based on the governments' representation that "victim-2's "statements are recorded and offered only as context to the

defendant's recorded statements. See Defendant's motion in limine No.6 above: DKT. 58(denying as moot defendants discovery request for evidence to attack victim's 2 credibility based on the government's representation that it did not intend to call victim 2 as a witness or offer any of his statements for the truth of the matter asserted)"

This ruling by the court prohibits any statements made by Brandon Belmonte and could not be considered for the truth. Here in the PSR report it is presented to the BOP for the truth and it "all of the statements and supporting statements within points 4, point 40, point 41, point 42, and any other collaborating language as a whole concerning Brandon Belmonte statements. This was not allowed at trial because of the motion in limine No. 4 ruling of Feb 16, 2024, which violates my sixth amendment and due process clauses of the constitution. Brandon Belmonte invoked his fifth amendment right during the trial proceedings to protect himself from self incrimination however now the BOP has heard all of his statements for the truth. Bishop Whitehead is illegally categorized and classified as a violent offender due to these statements and language presented for the truth. These statements that are in the PSR report are taken by the BOP as completed extortion. This is in complete violation of the courts order and I'm asking this court to grant my request in its entirety and remove all language.

Finally, I am requesting on page 23 on the PSR point 93 be removed. This case has been sealed and dismissed (see exhibit B) and it has no point nor merit for being within this PSR report but only to prejudice Bishop Whitehead. The government could not use this old case from 2018 because it was only a violation infraction which was resolved, dismissed, and sealed and the only purpose that it has today was to prejudice Bishop Whitehead and raise his category status in the BOP as violent offender. The PSR also speaks of an order of protection which was all removed and dismissed in its entirety.

The PSR also has an erroneous description that was recanted and removed from this case; "according to court documents received from the government, on Dec 15, 2018, at approximately 12:05 p.m. at 9301 avenue B, Brooklyn, New York, the defendant put his hands around the neck of his ex wife, Ieshah Mapp, and applied pressure. Whitehead also put his hands around his son JW, neck and applied pressure. Both Ms. Mapp and JW experienced neck pain, trouble breathing and substantial pain.

This statement was not true and recanted, that was the NYPD reported that the arrest report is now sealed. This case was not used within my sentencing and had no weight in determining Bishop Whitehead sentence; however Bishop Whitehead is now being punished by the BOP for a case that has been dismissed because the PSR is reporting it as a violent offense. This is considered double jeopardy. Bishop Whitehead was already sentenced to the max time of 9 years in federal prison and now he is being punished to serve his time as a violent offender when he has not been convicted of a violent crime by this court. This court recommended Whitehead to be sent to a non violent prison however Whitehead was not sent there because the BOP characterized him as a violent offender and he is now being housed at FCI Fairton at a high medium security facility.

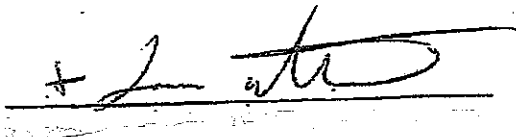
Bishop Whitehead has 3 children who he has not seen since he was remanded May 20, 2024 due to the location of this prison since Bishop Whitehead has been housed in FCI Fairton it has been cruel and harsh punishment that he can't see his children and family.

Conclusion

Wherefore, Movant Bishop Lamor Whitehead respectfully request this Honorable court based on the foregoing to GRANT the amendment of the "PSR Report". I ask this Honorable court to order the BOP to remove any violence considered by the BOP because of the PSR Report and recategorize my offense levels immediately and reclassify Whitehead as a non-violent offender. Whitehead further requests any and all other relief this Honorable Court Deems just and proper.

Date: December 2, 2024

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Bishop L. Whitehead", is written over a horizontal line.

Bishop Lamor Whitehead
Movant, Pro-se.